

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:22-cv-21004-MD

JESSICA GUASTO,

Plaintiff,

vs.

THE CITY OF MIAMI BEACH, FL,
a Florida municipality,

Defendant.

DEFENDANT’S EXHIBIT LIST – EXHIBIT B TO PRETRIAL STIPULATION

Defendant, THE CITY OF MIAMI BEACH, FL, (the “City”), through its counsel and pursuant Southern District of Florida Local Rule 16.1(e)(9), and the Court’s May 9, 2024, Order Setting Trial and Pre-Trial Schedule, Requiring Mediation and Referring Certain Matters to Magistrate Judge [DE 59], files its Exhibit List as Exhibit B to the Pretrial Stipulation.

Expect to Offer

Exhibit No.	Date Identified	Date Admitted	Witness	Objection	Description of Exhibit
1					City’s Employee Handbook – Bates Nos. City 001087 – 001141
2					Plaintiff’s Acknowledgement of Employee Handbook – Bates Nos. City 001220 – 001221
3					City’s Personnel Rules – Bates Nos. City 001015 – 001085
4				R, UP	Plaintiff’s EEOC Charge Dated August 31, 2018 - EEOC Charge No. 510-2018-06495 – DE 69-5

5					Settlement Agreement Dated September 13, 2019 – DE 69-7
6					Plaintiff's EEOC Charge Dated July 13, 2020 - EEOC Charge No. 510-2020-04794 – DE 69-9
7					Composite Exhibit – Emails between Michael Pancier, Michael Elkins, and Eugene Gibbons - Bates Nos. City 001394- 001420 – DE 69-12, pp. 25-51
8					Internal Affairs Report re: IA Case No. 2020-010 – DE 69-8, pp. 128-229, Bates Nos. City 001572-001673
9					Settlement Agreement Dated December 18, 2020 – DE 69-15, pp. 1-4, Bates Nos. City 001235-001238
10					Last Chance Agreement Dated December 18, 2020 – DE 69-15, pp. 5-11 – Bates Nos. City 001240-001246
11					Plaintiff's Withdrawal of EEOC Charge Dated July 13, 2020, EEOC Charge No. 510-2020-04794 DE 69-12, p. 52
12					Allegation of Employee Misconduct Form dated Dec. 30, 2020 – DE 69-19 – Bates Nos. City 001250-1251
13					City's Responses and Objections to Plaintiff's Requests for Admissions
14					Email dated Jan. 25, 2021, from AJ Prieto to Richard Clements and screenshot attachment – DE 69-8, pp. 257-259
15					January 2021 PowerPoint – DE 69-8, pp. 261-270

16				H, UP	November 2020 PowerPoint – DE 69-8, pp. 11-125 – Bates Nos. City 001767-001882
17					January 25, 2021, Memorandum from Richard Clements to Plaintiff – DE 69-27 – Bates Nos. City 001253 - 001267
18				R, UP	Plaintiff's February 19, 2021, Grievance – DE 69-29 – Bates Nos. City 001269-001270
19					Administrative Action Form – DE 69-6, pp. 87-89
20					Plaintiff's Responses to Defendant's Interrogatories
21				H, UP	Miami Dade College Memorandum Dated December 16, 2022 – DE 86-2, pp. 2-6 – Bates Nos. City 001382-001386
22				R, UP	Plaintiff's Resignation from Miami Dade College Dated December 19, 2022 – DE 86-2, p. 7 – Bates No. City 001387
23				R, UP	Miami Dade College Request for Personnel Action – DE 86-2, p. 8 – Bates No. City 001388
24					Miami Dade College Payroll Records – DE 86-2, pp. 9-11, Bates Nos. City 001389 - 001391
25					Declaration of Records Custodian of Allied Universal – DE 86-2, p. 12 – Bates No. City 001674
26				R, UP	Letter from Allied Universal Records Custodian – DE 86-2, pp. 13-14 – Bates Nos. City 001675 – 001676

27				R, UP	Allied Universal Personnel Action Notice – DE 86-2, pp. 15-17 – Bates Nos. City 001677 – 001679
28				R, H, A	Allied Universal Coaching Counseling Disciplinary Notices – DE 86-2, pp. 18-19 – Bates Nos. City 001680 – 001681
29				R, H, A	Allied Universal Personnel Action Notice – DE 86-2, pp. 20-21 – Bates Nos. City 001682 – 001683
30					Allied Universal Payroll Records – DE 86-2, pp. 25-28, 30 – Bates Nos. City 001687 – 001690, 001692
31				R, UP	City of Opa-Locka Letter of Termination – DE 86-2, p. 32 – Bates No. City 001895
32				R, UP	City of Opa-Locka Memorandum Recommending Termination – DE 86-2, pp. 33-34 – Bates Nos. City 001896-001897
33				R, UP	City of Opa-Locka Written Reprimand – DE 86-2, pp. 35-38 – Bates Nos. City 001898 – 001901
34					City of Opa-Locka Payroll Records – DE 86-2, pp. 74-78 – Bates Nos. City 002072 – 002076
35					Plaintiff's 2022 Tax Return – Plaintiff Bates Nos. JG 000001 – 000007
36					Cosner Email to Plaintiff Dated Dec. 28, 2020 – DE 69-6, pp. 139-140
37					Plaintiff's Email to Squad Dated Dec. 28, 2020 – DE 69-6, pp. 142-143

38					Richard Ocejio Email to Cosner Dated Dec. 28, 2020 – DE 69-6, p. 144
39					Composite Exhibit Cosner Dec. 28, 2020 Text Messages and Call Logs – Bates Nos. City 001520 – 001529
40					TrackStar Detail Report – Bates Nos. City 001530 – 001571
41					SOP #010A – Bates Nos. 001421 – 001449
42					SOP #010B – Bates Nos. 001450 – 001470
43					Police Department Organizational Chart – Bates No. City 001223

May Offer If Need Arises

Exhibit No.	Date Identified	Date Admitted	Witness	Objection	Description of Exhibit
44					List of Active and Non-Active Last Chance Agreements – Bates Nos. City 001955 - 001966
45					March 15, 2022, Human Resources Internal Investigation Report re: Rosa Carvajal – Bates Nos. City 001961 – 002060
46					City's Department Rules and Regulations – Bates Nos. City 002077 – 002136
47				R, UP	Arbitration Opinion and Award Dated Aug. 24, 2016 – Bates Nos. 001930 - 001954

Other Potential Exhibits

1. Impeachment Exhibits
2. Any Exhibits Listed on Plaintiff's Exhibit List

Dated: September 18, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 18, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF as an attachment to the Parties' Joint Pretrial Stipulation. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Michael L. Elkins

Michael L. Elkins

SERVICE LIST

CASE NO.: 1:22-cv-21004-MD

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